

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**

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STATE OF TEXAS;

*Plaintiffs,*

*vs.*

UNITED STATES OF AMERICA, ET AL.;

*Defendants,*

*And*

KARLA PEREZ, ET AL.;

STATE OF NEW JERSEY,

*Defendants-Intervenors.*

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Case No. 1:18-cv-00068

**PLAINTIFF STATES' MOTION TO EXCEED PAGE LIMITS ON THEIR  
POST-DISCOVERY RESPONSE BRIEF**

Plaintiffs respectfully request that the Court grant them permission to exceed the 20-page limit by 41 pages in their post-discovery response brief. In support of this motion, Plaintiffs show the following:

1. In this suit, Plaintiffs allege that the creation and implementation of DACA violated the Take Care Clause of the Constitution, the substantive requirements of the Administrative Procedure Act ("APA"), and the procedural requirements of the APA. Plaintiffs seek a preliminary injunction preventing the federal government from implementing the 2012 DACA memorandum by issuing or renewing DACA permits.

2. Plaintiffs' motion for preliminary injunction raises complex issues in a case of national importance. This Court recognized as much in the predecessor litigation involving DAPA and Expanded DACA, *Texas v. United States*, 86 F. Supp. 3d 591, 677 (S.D. Tex. 2015), as did the Fifth Circuit and the Supreme Court in affirming this Court's injunction against these class-based deferred action programs.

3. The DACA Intervenor's and New Jersey's initial post-discovery briefs totaled 103 pages collectively, with over 5,000 pages of exhibits. Before filing their post-discovery briefs on July 21, neither the DACA Intervenor nor New Jersey had fully briefed their legal positions regarding Plaintiffs' request for a preliminary injunction. By contrast, Plaintiffs filed their motion for preliminary injunction on May 2, providing DACA Intervenor and New Jersey with a view of Plaintiffs' legal positions for over two and a half months before they submitted their first substantive responses to Plaintiffs' motion.

4. In addition, approximately 19 groups have filed amicus briefs relating to Plaintiffs' motion for preliminary injunction. Together, these filings comprise roughly 300 pages of briefing and over 2,000 pages of supporting materials. These amicus briefs address myriad issues concerning Plaintiffs' request for a preliminary injunction, including Plaintiffs' standing to bring this suit, Plaintiffs' likelihood of success on the merits of their claims, and the other preliminary-injunction factors.

5. Plaintiffs seek a 41-page enlargement on their response brief so they can adequately address arguments in the DACA Intervenor's and New Jersey's initial post-discovery briefs. Plaintiffs also intend to respond to certain arguments in the

amicus briefs. As such, Plaintiffs seek an additional 41 pages (beyond the 20-page limit) for good cause and in the interest of justice, not for delay. No party will be prejudiced if the request is granted—indeed, as Plaintiffs explained in conferring on this motion, Plaintiffs consent to a similar request from the other parties on their response briefs.

6. The Federal Defendants are not opposed to the Plaintiffs' request. The DACA Intervenors and New Jersey have indicated they oppose Plaintiffs filing a response brief that exceeds 35 pages.

### **CONCLUSION**

Plaintiffs respectfully request that the Court grant Plaintiffs' Motion to Exceed Page Limits.

August 3, 2018

Respectfully submitted.

STEVE MARSHALL  
Attorney General of Alabama

KEN PAXTON  
Attorney General of Texas

LESLIE RUTLEDGE  
Attorney General of Arkansas

JEFFREY C. MATEER  
First Assistant Attorney General

JEFF LANDRY  
Attorney General of Louisiana

BRANTLEY STARR  
Deputy First Assistant Attorney General

DOUGLAS J. PETERSON  
Attorney General of Nebraska

JAMES E. DAVIS  
Deputy Attorney General for Civil Litigation

ALAN WILSON  
Attorney General of South Carolina

/s/ Todd Lawrence Disher  
TODD LAWRENCE DISHER  
Attorney-in-Charge  
Special Counsel for Civil Litigation  
Tx. State Bar No. 24081854  
Southern District of Texas No. 2985472  
Tel.: (512) 463-2100; Fax: (512) 936-0545  
[todd.disher@oag.texas.gov](mailto:todd.disher@oag.texas.gov)  
P.O. Box 12548  
Austin, Texas 78711-2548

PATRICK MORRISEY  
Attorney General of West Virginia

ADAM ARTHUR BIGGS  
Special Counsel for Civil Litigation

ADAM N. BITTER  
Assistant Attorney General

**COUNSEL FOR PLAINTIFF STATES**

### **CERTIFICATE OF CONFERENCE**

I certify that on July 26 and July 27, 2018, I conferred via e-mail with counsel for Federal Defendants, DACA Intervenors, and New Jersey about the relief sought in this Motion. Federal Defendants do not oppose the request. DACA Intervenors and New Jersey indicated that they opposed Plaintiffs filing a response brief in excess of 30 pages. In light of the one-week extension and the additional discovery that took place after July 27, I conferred via e-mail with counsel for DACA Intervenors and New Jersey on August 2 and August 3 to determine if they still opposed this request. Counsel for DACA Intervenors and New Jersey stated that they opposed Plaintiffs filing a response brief in excess of 35 pages.

/s/ Todd Lawrence Disher  
TODD LAWRENCE DISHER  
Special Counsel for Civil Litigation

**COUNSEL FOR PLAINTIFF STATES**

### **CERTIFICATE OF SERVICE**

I certify that on August 3, 2018, this document was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Todd Lawrence Disher  
TODD LAWRENCE DISHER  
Special Counsel for Civil Litigation

**COUNSEL FOR PLAINTIFF STATES**

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**ORDER GRANTING PLAINTIFF STATES'  
MOTION TO EXCEED PAGE LIMITS**

On this date, the Court considered Plaintiff States' Motion to Exceed Page Limits on their Post-Discovery Response Brief. After considering the Motion, the Court believes the Motion is meritorious and should be granted.

IT IS THEREFORE ORDERED that Plaintiff States' Motion to Exceed Page Limits on their Post-Discovery Response Brief is hereby GRANTED.

SIGNED on this the \_\_\_\_\_ day of August, 2018.

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Hon. Andrew S. Hanen,  
U.S. District Court Judge